

Appl. No. 09/446,550
Atty. Docket No. CM-1519Q
Amdt Dated March 14, 2006
Reply to Office Action of December 14, 2005

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REMARKS

Claims 1-14 and 21-25 were previously pending in the present application. Claims 15-20 are currently withdrawn from consideration. Claim 1 has been amended by way of the present communication. Claim 26 has been added. Claims 1-14 and 21-26 are now pending. Reinstatement of claim 15 is again respectfully requested. Favorable reconsideration and allowance of the application are respectfully requested in light of the foregoing amendments and the remarks which follow.

Claim Amendments

Applicant has amended claim 1 to correct a typographical error (addition of the word "that") and further to clarify that the breathability of the core region is provided by cracks formed around the particulate filler material.

Applicant has added new claim 26 that depends from claim 1 and recites that the roll pair comprises a greater number of engaging ridges and grooves in the chassis region than in the core region.

Applicant does not believe that these claim amendments involve the introduction of new matter. Accordingly, formal entry of the amended claims into the record is respectfully requested.

Request for Reinstatement of Claim 15

Applicant requested reinstatement of claim 15 in the response dated 09/30/2005. That request was not addressed in the outstanding Office Action. Applicants once again respectfully request reinstatement of claim for the reasons discussed below.

Claims 15-20 were subject to restriction in the Office Action dated December 1, 2001 because those claims were said to be directed to a method while claims 1-14 were said to be directed to the apparatus. At the time, Applicant elected claims 1-14 with traverse.

Applicant now notes that claim 15 (currently withdrawn) is an apparatus claim that depends from claim 1. Accordingly, Applicant asserts that it is properly grouped with claims 1-14 as currently pending. Formal reinstatement of claim 15 is respectfully

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requested. Applicant further requests that claim 15 be formally allowed as depending from an allowable independent claim, as will now be discussed.

Rejections Under 35 USC § 103(a)

1. The Rejection

The Office Action maintains the rejection of Claims 1-14 under 35 USC § 103(a) as being unpatentable over Dobrin (US 5,628,737) in view of Wu (US 5,865,926).

The Dobrin patent discloses an absorbent article 20 (Figure 2) comprising a core region 74 and a chassis region 76 surrounding the core region.

The article 20 is said to also comprise a laminate 95 which extends into both the core region and the chassis region to form a core backsheet and a chassis backsheet. The laminate 95 is said to comprise a polymeric film layer 26 (col. 6, lines 42-43) and a fibrous layer 90 (col. 9, lines 51-52). The laminate 95 is said to also comprise apertures 84 in the chassis region 76. The Office Action asserts that the apertures 84 give the chassis region 76 a higher degree of breathability than the core region 74 and, as a result, the MVTR in the core region 74 is asserted to be lower than the MVTR in the chassis region 76.

The Office Action admits that the Dobrin patent fails to disclose the use of a particulate filler material embedded in a polymeric film layer and asserts that the patent discloses all other aspects of the invention.

The Office Action therefore cites Wu as disclosing a breathable laminate comprising a polymeric film layer and a fibrous layer (col. 2, lines 60-64). The polymeric film layer is said to comprise a polymeric matrix and a particulate filler material (col. 3, lines 2-17). The breathability of the laminate is said to be enhanced by the formation of cracks around the particulate filler material (col. 3, lines 19-21). The laminate is said to be passed through a pair of rolls comprising ridges and grooves which provides a multiplicity of corrugations to the laminate, (col. 4, lines 51-65; Fig. 2).

2. Applicant's Argument

Applicant asserts that the Dobrin patent does not disclose all aspects of the claimed invention with the exception of the use of a particulate filler material embedded

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in a polymeric film layer. For instance, Dobrin also fails to teach or suggest that the breathability of the core backsheet material is provided by passing the core backsheet laminate through at least one roll pair that includes engaging ridges and grooves which apply a multiplicity of corrugations to at least a portion of the laminate. Rather, Dobrin teaches that the absorbent article includes a central (i.e., core) region 74 and a pair of surrounding outer (i.e., chassis) regions 76. Furthermore, Dobrin expressly teaches that the central region 74 is a non-apertured zone 82, and the outer regions are apertured zones 80 (see col. 6, lines 53-56; Fig. 3).

As noted in the Office Action, Wu discloses a laminate that is passed through a pair of rolls comprising ridges and grooves to provide a multiplicity of corrugations to the laminate. Wu fails to cure the deficiencies of Dobrin with respect to teaching or suggesting each limitation of claim 1 on two grounds. First, Dobrin teaches away from incorporating the teachings of Wu in the manner suggested in the Office Action. Secondly, even if the references were combined in the manner suggested in the Office Action, the combination would fail to teach or suggest every element of claim 1.

A. The Dobrin teaches away from Wu

“Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art” MPEP §2143.01. Furthermore, “a prior art references must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention” MPEP §2143.02.

The Office Action states that it would be obvious to one of ordinary skill in the art at the time of the invention to construct the laminate of Dobrin using the polymeric film layer of Wu to increase the breathability of the laminate. However, Dobrin does not teach any desirability to increase the breathability of the laminate at the central region 74. In fact, Dobrin expressly teaches that the central region 74 is a non-apertured zone. Wu can therefore not be incorporated into Dobrin for the purposes of increasing the breathability of the central region 74 because doing so would introduce apertures into the region, which is against the express teachings of Dobrin.

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On the first ground that Dobrin teaches away from incorporating the teachings of Wu into Dobrin for the purposes of introducing apertures into Dobrin's central region, Applicant asserts that claim 1 is nonobvious over the combination of references.

B. The Combination of Wu and Dobrin Fails to Teach or Suggest Every Element of Claim 1

Even if the teachings of Wu were combined with Dobrin in the manner suggested in the Office Action, the combination would fail to produce the presently claimed invention.

Dobrin teaches a central non-apertured region 74 and a pair of surrounding apertured outer regions 76. Both the central region 74 and the outer regions 76 are formed from the same laminate 95 (see Fig. 3). Wu teaches a single laminate that is homogeneously apertured throughout the entire laminate. Wu does not teach or suggest providing two zones of breathability, with a core region having a breathability that is less than a surrounding chassis region. It further cannot be said that Dobrin teaches or suggests an apertured core region and a chassis region such that the core region has a breathability less than that of the chassis region because, as noted above, Dobrin expressly teaches away from an apertured core region. As a result, incorporating the teachings of Wu into Dobrin would therefore produce a single laminate including a central region and two surrounding outer regions that are all homogeneously apertured.

Moreover, there is no teaching or suggestion in either reference to incorporate Wu's disclosure 1) only at Dobrin's central region 74, and 2) in a manner such that the apertured central region 74 has a MVTR value less than that of the outer regions 76. Dobrin's central region 74 is only less breathable than the outer regions 76 because the central region 74 is not apertured. If one skilled in the art were to introduce apertures into the central region 74, no teaching or suggestion in either reference would motivate the skilled artisan to do so such that the breathability of the central region 74 is less than that of the outer regions 76.

Accordingly, Applicant asserts that claim 1 is patentable over the cited prior art. Applicant further asserts that dependent claims 2-14 and 21-26 are allowable over the

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cited prior art for depending from an allowable claim. Withdrawal of the rejection under 35 USC § 103 over Dobrin in view of Wu is therefore respectfully requested.

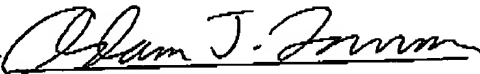
CONCLUSION

All of the rejections in the Office Action have been discussed as have the distinctions between the cited references and the claimed invention. In light of the discussions contained herein, the Applicants respectfully request reconsideration of the rejections, their withdrawal, and allowance of all of the claims. Issuance of a Notice of Allowance at an early date is earnestly solicited.

No fees are believed to be due for the filing of this Response. If, however, any fees are deemed due as the result of this or any other communication, Applicant hereby authorizes the Commissioner to deduct said fees for this or any other communication from Deposit Account No. 16-2480.

Respectfully submitted,

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